

UNITED STATES BANKRUPTCY COURT

DISTRICT OF HAWAII

In re

JAMES WILLIAM LULL

Debtor.

Case No: 06-00898

Chapter 7

KAPAA 160, LLC,

Plaintiff,

vs.

JAMES WILLIAM LULL,

Defendant.

Adv. Pro. No. 07-90039

KAUAI LEASE & LOAN, LTD.,

Plaintiff,

vs.

JAMES WILLIAM LULL,

Defendant.

Adv. Pro. No. 07-90040

**MEMORANDUM CONCERNING
ABATEMENT OF ADVERSARY PROCEEDINGS**

These adversary proceedings in bankruptcy seek determinations that certain alleged debts of Defendant James William Lull (“Lull”) are not dischargeable in bankruptcy. Lull is the debtor in the underlying Chapter 7 bankruptcy case. The trustee in bankruptcy in the Lull bankruptcy case is plaintiff in an adversary proceeding seeking to deny to Lull a discharge of all debts which might be discharged in his bankruptcy case. That adversary proceeding is Kotoshirodo v. Lull, No. 07-90033, United States Bankruptcy Court, District of Hawaii. (“Kotoshirodo v. Lull”) Trial of that adversary proceeding is currently set for June 2, 2008.

Until final judgment in the trustee’s complaint objecting to discharge, it is impossible to know whether or not it will be necessary to litigate the adversary proceedings which are the subject of this memorandum. If the trustee obtains a judgment denying a discharge in bankruptcy to Lull, it will not be necessary to contest these adversary proceedings. If Lull prevails in the trustee’s lawsuit, it will be necessary for the parties to litigate these adversary proceedings.

Therefore, an order of abatement will be entered as to both of the subject adversary proceedings. Because of the abatement, there will be no ruling on Lull’s pending motions to dismiss. Upon resolution of Kotoshirodo v. Lull, or further order, the court will give notice to the parties in these adversary

proceedings as to what further actions, if any, will be necessary.

Dated: Honolulu, Hawaii, OCT 25 2007.


Lloyd King
United States Bankruptcy Judge

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